

Certified Mail
7099 3220 0008 2620 3339

September 27, 2002

RECEIVED

SEP 30 2002

ARCM/ENSV

Mr. David Whiting
Environmental Engineer
U.S. Environmental Protection Agency
Region VII
922 Walnut Street
Iowa City, IA 52240

Subject: Notice of Violation – Dated September 11, 2002

REC'D

Re: Part B Permit Number – MOD 050226075

OCT 04 2002

Dear Mr. Whiting:

RESP

It is the purpose of this correspondence to provide you with the appropriate information that furnishes documentation indicating that BASF's Hannibal Plant has complied with the three issues related to the Notice of Violation (NOV) that was issued by you on September 11, 2002, during your inspection of the Hannibal Plant. After a review of the regulations cited in the NOV, the Hannibal Plant takes exception to the issuance of the NOV and offers the following discussion regarding BASF's understanding of the referenced regulations.

For a number of years now, the Hannibal Plant has provided for discrete satellite accumulation areas in each of its laboratory rooms which met the "at the point of generation (line of site)" and "under the control of the operator" criteria of 40 CFR 262.34(c)(1) and corresponding MDNR interpretations. The Hannibal plant has typically utilized 2½-gallon HDPE containers for satellite storage of laboratory-generated wastes. As was demonstrated to you during your inspection of the Hannibal Plant laboratory facilities, these containers are labeled with the words "Hazardous Waste" and a start accumulation date (date started filling the container) to meet the requirements of both EPA and MDNR regulations. We require these satellite accumulation containers to be capped at all times when material is not being placed in the container. Once the container is filled, a sealed date is placed on the label and the full container is placed in the satellite accumulation area within the lab room it was generated in (complying with the MDNR interpretation of "line of site" and EPA-defined "under the control of the operator" issue). A new container takes its place and the process starts all over again. The filled container is removed typically within 24-hours and transported to the Hannibal Plant's NPDES wastewater treatment system for incineration in the plant's incinerators. Because of this management system, at no time is there ever over 55 gallons of hazardous waste in any laboratory satellite accumulation area.

During your inspection, you identified the containers that were attached to the liquid chromatographs in the Hannibal Plant's laboratory facilities to collect the sample mobile phase from the analyzers as satellite storage facilities. These containers are directly connected to the liquid chromatographs with small diameter flexible tubing. The Hannibal Plant has always considered the containers in question (HPLC instrument containers) to be an integral part of the instrument. Based on our understanding, the material in the containers would not meet the definition of "solid waste" since the "act of discard" has not yet come into play and, therefore, the containers would not constitute satellite accumulation. However, since this issue was raised during the



R00403660

September 27, 2002

Page 2

September 11th inspection, the Hannibal Plant has done a search of the EPA regulations and has determined that the material(s) in question are specifically excluded by rule from being regulated as "hazardous waste". EPA regulation §40 CFR 261.3(a)(2)(iv) states in part:

"..... however, the following mixtures of solid wastes listed in subpart D of this part are not hazardous wastes (except by application of paragraph (a)(2) (i) or (ii) of this section) if the generator can demonstrate that the mixture consists of wastewater the discharge of which is subject to regulation under either section 402 or section 307(b) of the Clean Water Act (including wastewater at facilities which have eliminated the discharge of wastewater) and:"

(E) Wastewater resulting from laboratory operations containing toxic (T) wastes listed in subpart D of this part, Provided, that the annualized average flow of laboratory waste water does not exceed one percent of the total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system or provided the average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pretreatment facility."

The Hannibal Plant has already established that its wastewater discharge is subject to regulation under either section 402 or section 307(b) of the Clean Water Act. The plant's incineration facilities and associated waste handling systems are regulated under the Hannibal Plant's NPDES Permit. As noted in the previous paragraphs, the wastewater streams from the Hannibal Plant's laboratory facilities (including waste streams from the liquid chromatographs) are managed in the Hannibal Plant's incineration wastewater treatment facilities. The Hannibal Plant's liquid chromatograph instruments utilize a mobile phase solution(s) for carrying the compound of interest through the instrument's detection system. Depending on the compound of interest, the mobile phase in the instrument will typically contain mixtures of acetonitrile, methanol, and water that will vary in concentration anywhere from twenty to eighty percent. Clearly, the instrument's mobile phase carrier meets the requirement to contain toxic (T) material. The headworks of the Hannibal Plant's wastewater treatment system (incineration) treated 155,000 tons of material last year of which one percent of the total flow would be greater than 1500 tons which is orders of magnitude times the volume of all the hazardous waste generated in all the laboratories combined. The information included in this submittal is provided to demonstrate that the wastes from the laboratory liquid chromatographs do meet the EPA exemption from being regulated as a hazardous waste and, therefore, the RCRA satellite storage regulations do not apply to these streams and the Notice of Violation is not applicable.

Please note, pending receipt of a response from your office concurring with the BASF understanding of the referenced exemption of the liquid chromatograph streams from the RCRA regulations cited in the EPA Notice of Violation, BASF has implemented a program to comply with the referenced regulations. Under this cover please find selected photographs of the liquid chromatograph mobile phase containers substantiating the Hannibal Plant's method of addressing unsatisfactory items specifically identified in the referenced NOV. BASF has installed lids on the referenced containers and provided holes for the tubing from the liquid chromatographs. These lids will continue to be used. We have also provided requested labels pending final approval of the information contained in this submittal regarding the exemption of these containers from RCRA. We will continue to provide an appropriate label on these containers but will discontinue the related satellite accumulation requirements (e.g. dating containers) upon receipt of EPA concurrence of the exemption of these containers from RCRA satellite accumulation requirements.

September 27, 2002

Page 3

It is the intent of this submittal to address all issues identified in the referenced Notice of Violation. If you have any questions with regard to this submittal or if you require additional information, please don't hesitate to contact me at (573) 769-8768. Your assistance in final resolution of this issue is appreciated.

Sincerely

BASF Corporation
Hannibal Plant

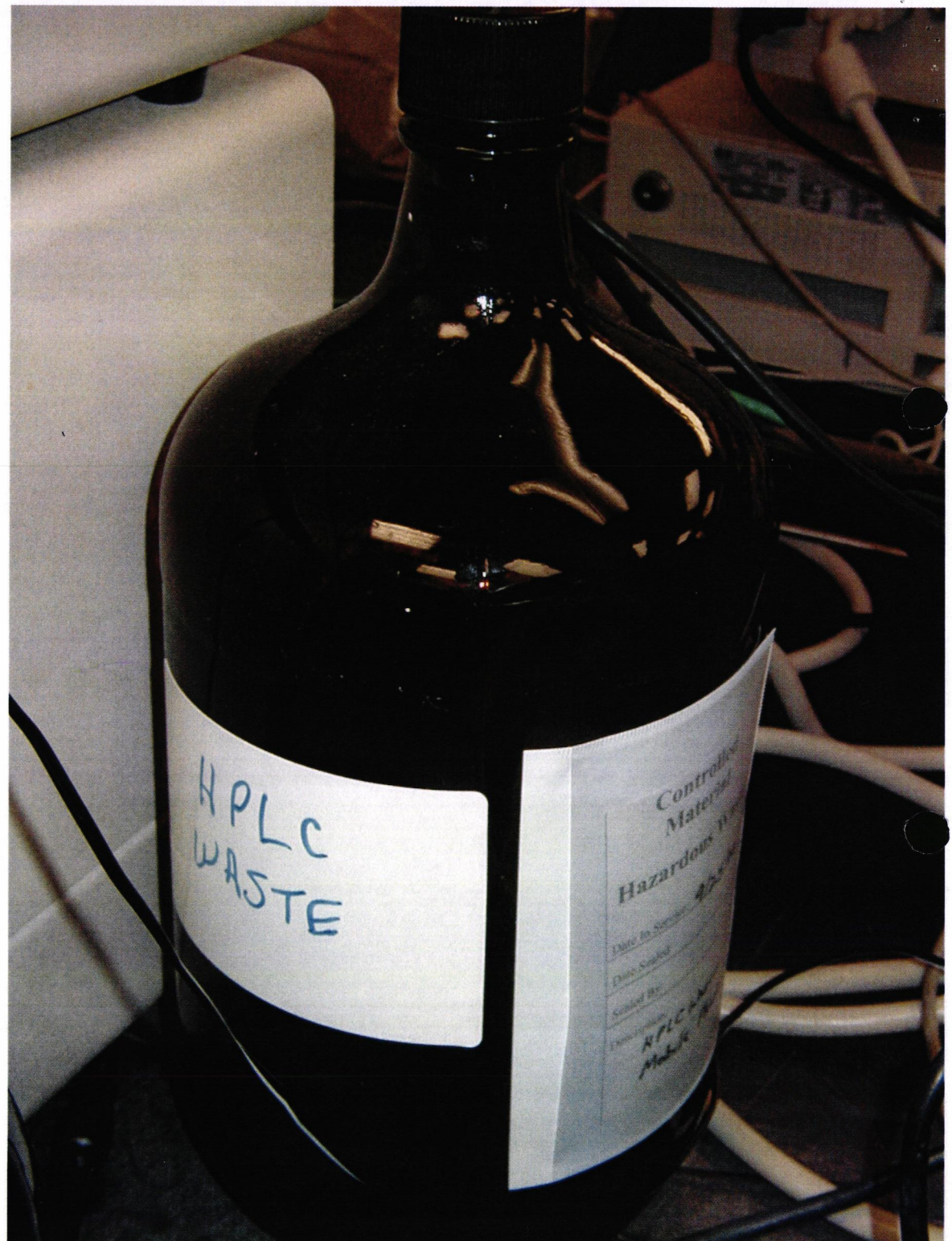
A handwritten signature in black ink, appearing to read "J. Brad Willett", is written over the printed name.

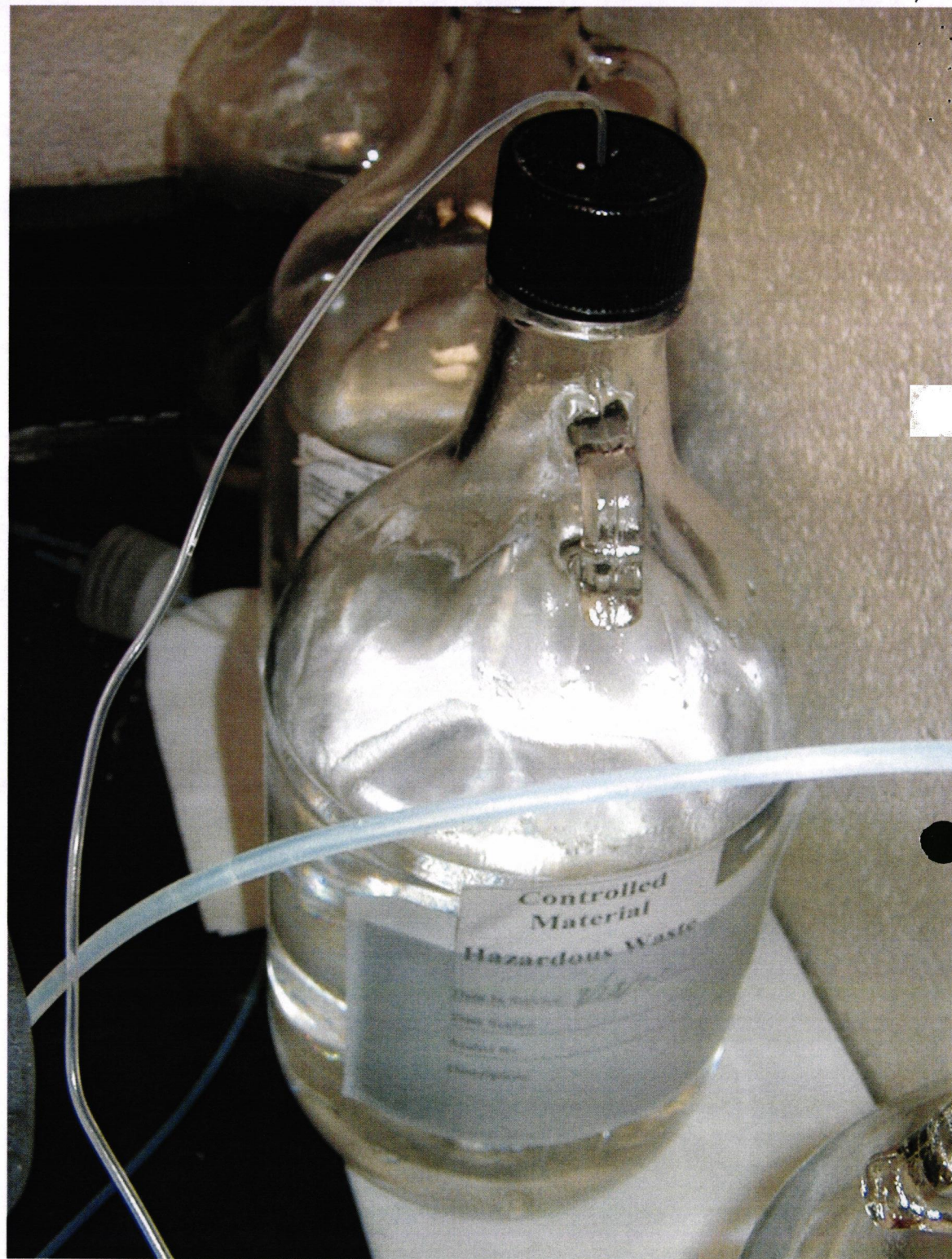
J. Brad Willett, P.E.
Manager, Environmental Services

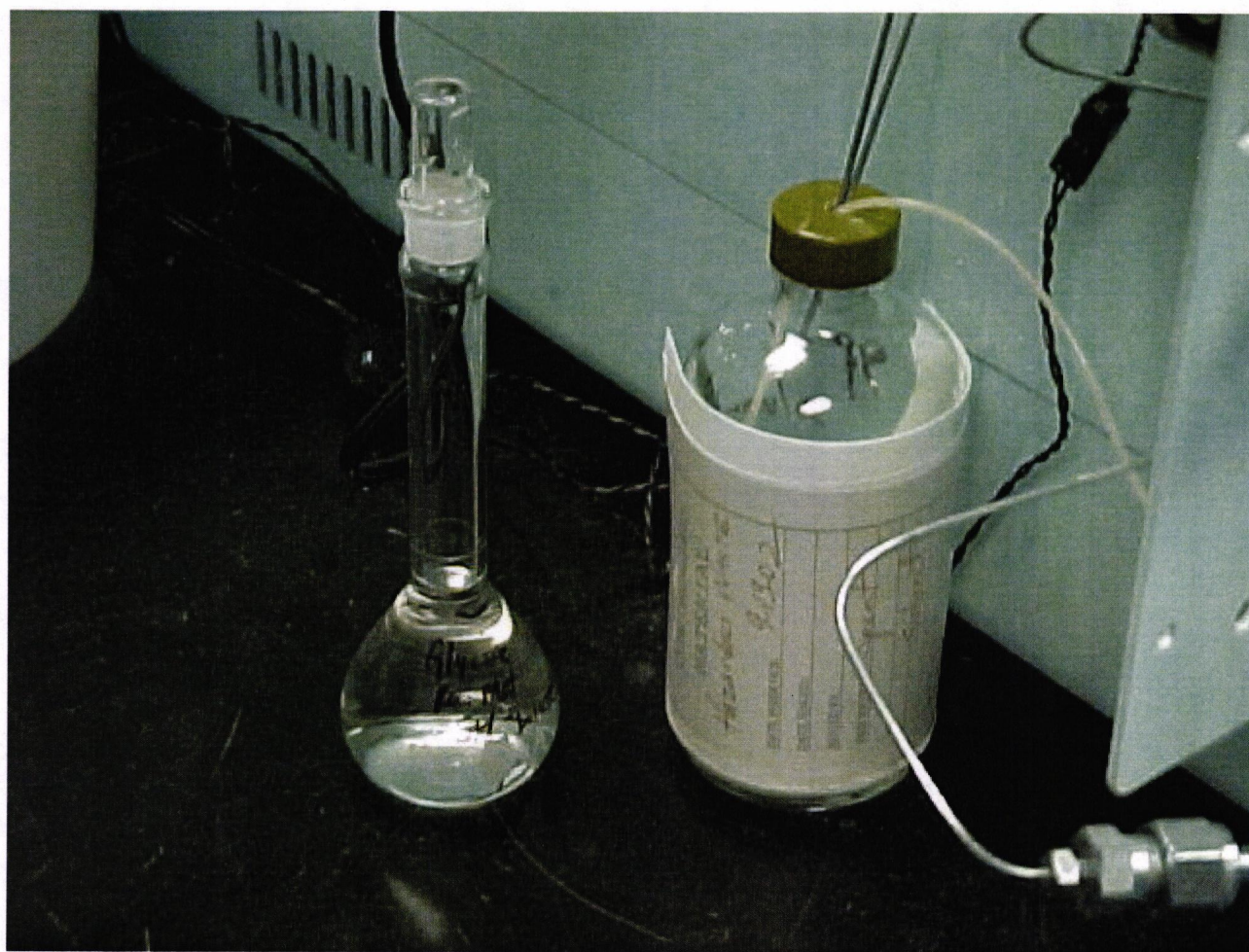
dep
attachments
jbw\epa nov response 092702

cc: MDNR Hazardous Waste Program, Jefferson City, MO
Mr. Jamie Shinn, MDNR NERO

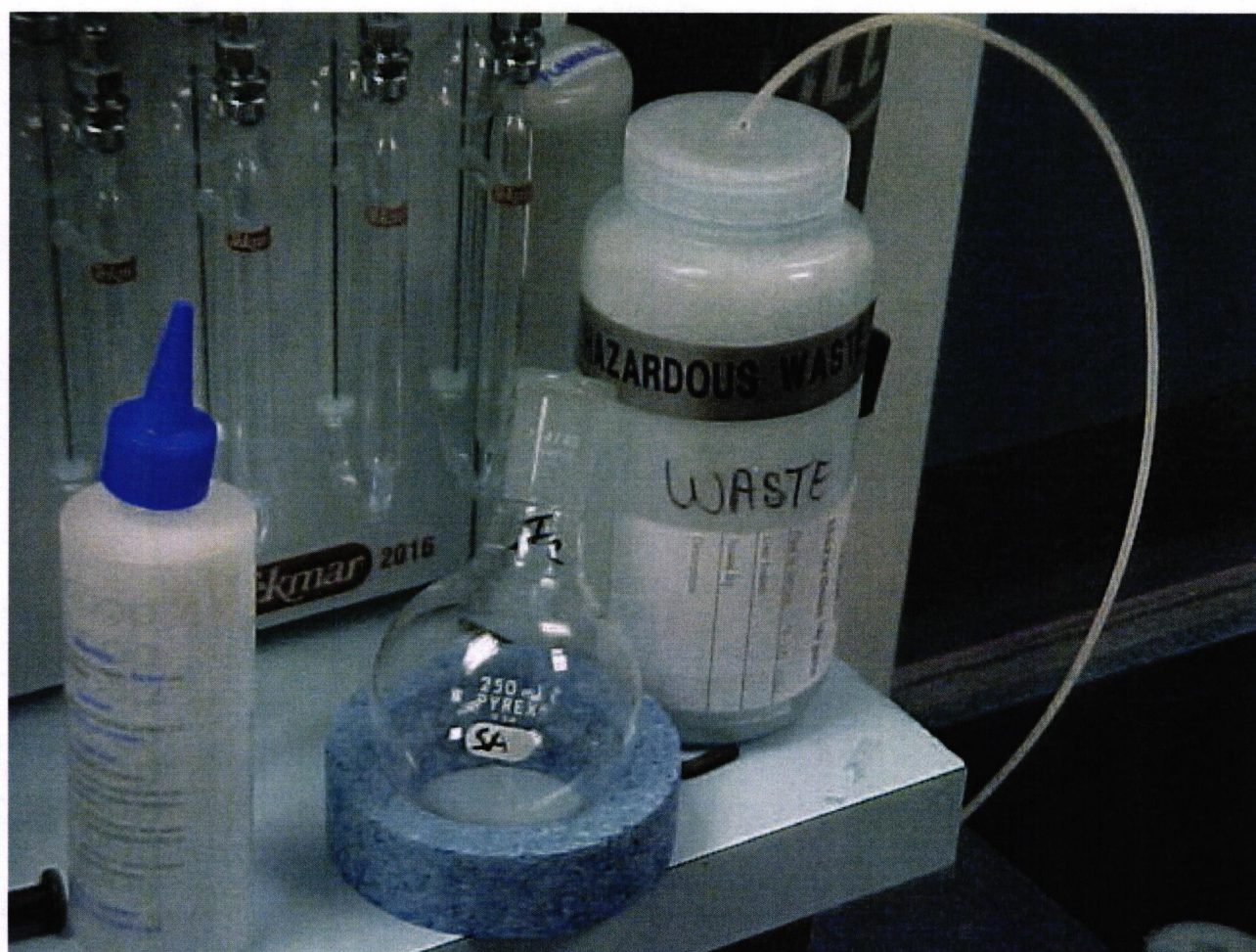




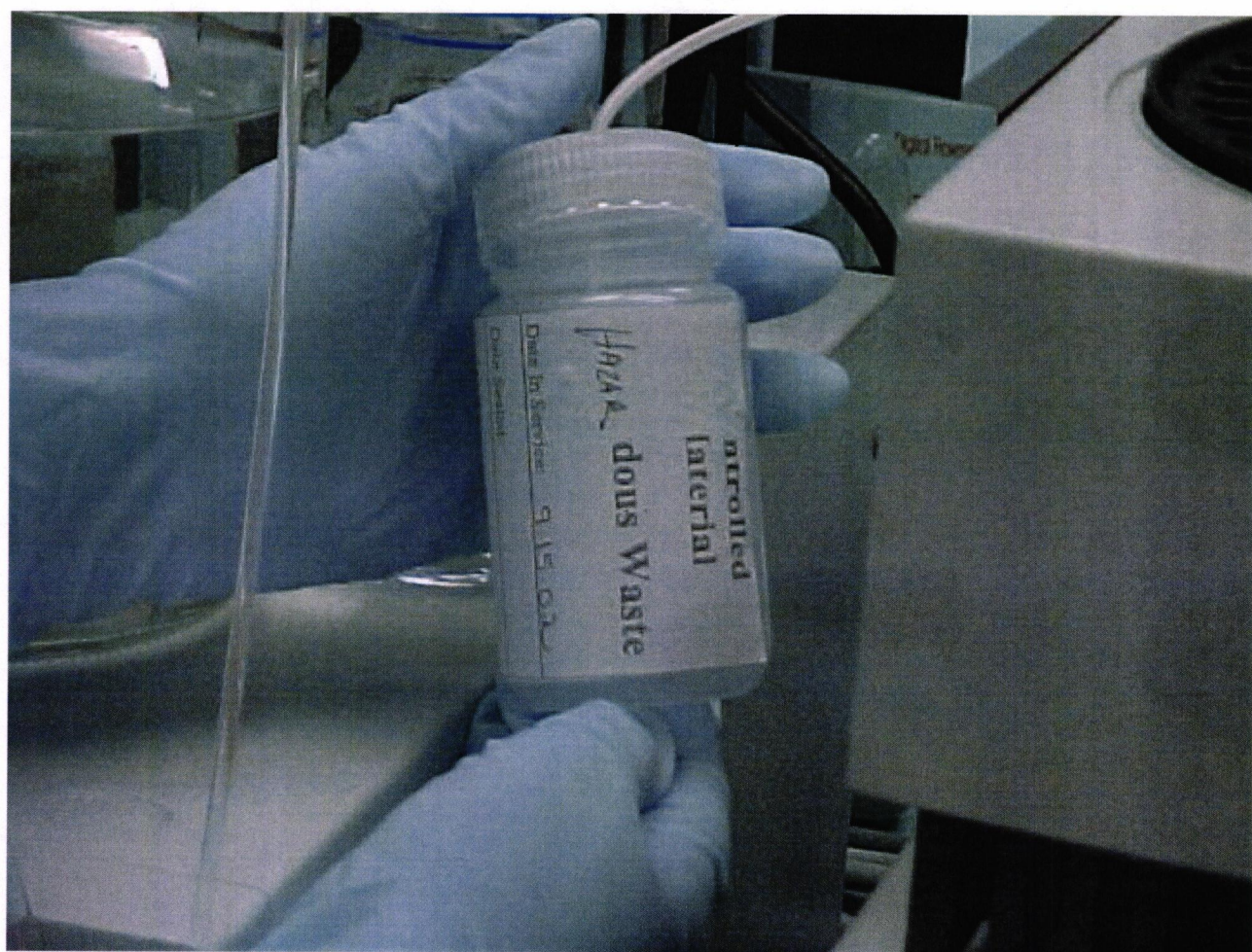












RECORDS CENTER FILING FORM

for

Information Request Letters and Notices (NOVs, NOPFs, and NOPVs)

Complete one form per original document. (Please see instructions on the back of this form.)

1. Document contains NON-RELEASABLE information (circle one): YES NO

2. Program or Branch (circle one):

RCRA

Superfund

ENSV/DISO

ENSV/NEPA

ARTD/RALI

ARTD/CRIB

ARTD/APDB

ARTD/APCO

WWPD/DWGW

WWPD/GPCB

WWPD/NFMB

WWPD/PEST

WWPD/WRPB

3. Type of document (circle one): INFO. REQUEST NOV NOPF NOPV

4. Facility or Company Name: BASF

5. Site Name, if no Facility or Company Name #4:

6. Identification Number (if applicable, RCRA I.D., CERCLA I.D., etc.): MOD050226075

7. Name of person submitting document for filing: Elaine Angel

8. Name of EPA manager officially signing document:

9. Date document was submitted to Records Center (MM/DD/YYYY): 10/10/02

10. Statute document was issued under (circle one): RCRA CAA CWA Other

11. Requirement document was issued under (circle one): Other

RCRA: Generator Transporter TSDF Used Oil Combustor Corrective Action

CAA: NSPS MACT SIP CFC NSR

CWA: NPDES-Municipal NPDES-Industrial Pretreatment-Municipal Pretreatment-Industrial
Sludge OPA SSO CSO CAFO Stormwater

12. Initiative document was issued under, if applicable (specify one):

(name; eg. SSO, Wood Products 114s, etc)

13. Keywords for document to be searched under:

14. Date or Date Stamp Date IRL or Notice was issued (MM/DD/YYYY): / /

15. Due Date for IRL or Notice response (MM/DD/YYYY): / /

16. Response Received Date for IRL or Notice (MM/DD/YYYY): 10/04/02

FOR RECORDS CENTER PDF META-DATA FIELDS

Title: Use #2 and #12 if listed. **Subject:** Use #4, if blank, use #5. **Author:** Use #8.

Keywords: Statute (#10), Requirement (#11), Region 7, Company Name (use #4, if blank, use #5), Date Response Received (#16), and any additional information identified by the Compliance Officer (#13).

Records Center Filing Form Instructions

COMPLIANCE OFFICER

1. Circle "YES" or "NO" to specify whether or not the document contains **non-releasable information**. (Non-releasable information may include confidential business and/or enforcement confidential information, personnel privacy information, or privileged information - the default response is "no").
2. Circle the name of **your Branch or Program**.
3. Circle the **Type of Document** (e.g., IRL, NOV, NOPF, or NOPV).
4. List the name of the **Facility or Company** that the IRL or Notice was issued to.
5. List the **Site** name (if applicable).
6. List the appropriate **Identification Number**, if applicable (e.g., RCRA ID#, CERCLA ID# etc.).
7. List the name of the **Person Submitting Document** for filing.
8. Identify the name of the **EPA Manager Signing Document** officially (remember to follow the appropriate delegation rules, some documents may only be officially signed by division directors).
9. List the **Date Sent** to the Records Center for indexing, scanning and filing.
10. Circle the **Statute** that the IRL or Notice was issued under. If the appropriate statute is not listed, indicate the appropriate acronym in the "other" field.
11. Circle the **Requirement** that the IRL or Notice was issued under.
 - a. **RCRA** Program, use: Generator, Transporter, TSDF, Used Oil, Combustor, and Corrective Action.
 - b. **Air** Program, use: NSPS, MACT, SIP, CFC, and NSR.
 - c. **Water** Program, use: NPDES-Municipal, NPDES-Industrial, OPA, Pretreatment-Municipal, Pretreatment-Industrial, Sludge, SSO, CSO, CAFO, and Stormwater.
 - d. **Other**, if the Requirement is not listed, specify in the "Other" field.
12. Circle or identify the **Regional or National Initiative** that the IRL or Notice was a part of, if applicable. If applicable, specify the name of the initiative.
13. Identify "**Keywords**" that may be useful to search for the document or within the document, for example: maintenance, purchase orders, requisitions, emissions data, etc.
14. List the official **Date Stamp Date** the IRL or Notice was date stamped or issued (mm/dd/yyyy).
15. List the **Response Due Date** for the IRL or Notice.
16. List the **Response Received Date** for the IRL or Notice (if you have not received a response prior to sending the document to the Records Center, up-date this field upon receipt of the Quarterly IRL/NOV Tracking Report as outlined in steps E.3.a.(1) and G.2 of this SOP).

RECORDS CENTER

1. The PDF Document Summary meta-data, consisting of **Title**, **Subject**, **Author**, and **Keywords**, will be completed using the following line items on "Records Center Filing Form."
 - a. **Title**, use lead Branch or Program in #2 and, if listed, the initiative in #12.
 - b. **Subject**, use name listed in #4, if #4 is blank, use name in #5.
 - c. **Author**, use name identified in #8.
 - d. **Keywords**, at a minimum, the following keywords will be entered in the Keywords field:
First, list the statute (#10) **Second**, list the specific requirements (#11)
Third, specify "Region 7" as the issuing office **Fourth**, list the Facility or Company name (#4 or #5)
Fifth, list the date Response was received (#16) **Last**, list any additional information identified in #12 and #13